

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PTP ONECLICK, LLC,

Plaintiff,

v.

AVALARA, INC.,

Defendant.

CASE NO. C19-0640JLR

ORDER DENYING MOTION TO
SEAL

Before the court is Defendant Avalara, Inc.’s (“Avalara”) June 24, 2020, motion to seal certain documents. (Mot. (Dkt. # 155).) Specifically, Avalara asks the court to maintain the seal on certain portions of Exhibits 19 and 20 to the declaration of Benjamin J. Byer. (*See* Byer Decl. (Dkt. # 154); Sealed Ex. 19 (Dkt. # 157); Sealed Ex. 20 (Dkt. # 157-1).) The documents Avalara seeks to seal are related to Avalara’s motion for attorney’s fees and non-taxable costs. (Fees Mot. (Dkt. # 153).) Defendant PTP OneClick, LLC (“PTP”) did not respond to Avalara’s motion to seal. (*See generally* Dkt.) However, on July 6, 2020, Avalara filed a notice withdrawing its motion for fees

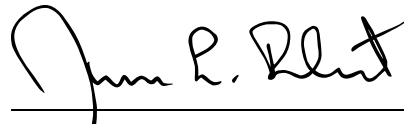
1 and non-taxable costs (Notice (Dkt. # 160)), and on July 7, 2020, the court granted the
2 parties' stipulated motion to dismiss PTP's appeal to the Federal Circuit Court of Appeals
3 (*see* 7/7/20 Order (Dkt. # 161); Stip. Mot. (Dkt. # 159)). Based on these subsequent
4 events, the court STRIKES Avalara's motion to seal as MOOT and DESIGNATES the
5 two provisionally sealed documents as WITHDRAWN from the record (Dkt. ## 157,
6 157-1.) *See* Local Rules W.D. Wash. LCR 5(g)(6).

7 In its motion, Avalara states that it filed portions of Exhibits 19 and 20 under seal
8 because PTP designated those portions of the Exhibits "confidential" under the parties'
9 stipulated protective order. (Mot. at 1; *see also* Stip. Protective Order (Dkt. # 49).) Local
10 Rule LCR 5(g)(3)(B) provides that a motion to seal a document must include "a specific
11 statement of the applicable legal standard and the reasons for keeping a document under
12 seal, with evidentiary support from declarations where necessary." Local Rules W.D.
13 Wash. LCR 5(g)(3)(B). However, where the parties have entered into a stipulated
14 protective order, "a party wishing to file a confidential document it obtained from another
15 party in discovery may file a motion to seal but need not satisfy subpart (3)(B) above."
16 *Id.*, LCR 5(g)(3). "Instead, the party who designated the document confidential must
17 satisfy subpart (3)(B) in its response to the motion to seal or in a stipulated motion." *Id.*
18 Here, the party that must satisfy the standard for sealing set forth in Local Rule LCR
19 5(g)(3)(B) is PTP.

20 PTP failed to respond to Avalara's motion and, therefore, also failed to satisfy the
21 requirements of Local Rule LCR 5(g)(3)(B). (*See generally* Dkt.); *see also* Local Rules
22 W.D. Wash. LCR 5(g)(3)(B). However, because Avalara withdrew its motion for fees

1 and non-taxable costs, the court considers the provisionally sealed portions of Exhibits 19
2 and 20 to Mr. Byer's declaration, which were filed in support of Avalara's motion for
3 fees and non-taxable costs, to be withdrawn as well. *See* Local Rules W.D. Wash. LCR
4 5(g)(6) ("If a document is withdrawn on this basis, the parties shall not refer to it in any
5 pleadings, motions or other filings, and the court will not consider it."). Accordingly, the
6 court STRIKES Avalara's motion to seal as MOOT (Dkt. # 155) and DESIGNATES the
7 two provisionally sealed documents (Dkt. ## 157, 157-1) as WITHDRAWN from the
8 record.

9 Dated this 13th day of July, 2020.

10
11 

12 JAMES L. ROBART
13 United States District Judge
14
15
16
17
18
19
20
21
22